

JASON M. FRIERSON
United States Attorney
District of Nevada
Nevada Bar Number 7709

SUMMER A. JOHNSON
Assistant United States Attorney
501 Las Vegas Blvd. South, Suite 1100
Las Vegas, Nevada 89101
Telephone: (702) 388-6336
Facsimile: (702) 388-6787
E-mail: Summer.Johnson@usdoj.gov
Attorneys for the United States

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Judgment Creditor,

v.

FREDERICK THOMAS,

Judgment Debtor,

and

PROGRESSIVE INSURANCE
COMPANY, and its Successors or Assigns,
Garnishee.

Case No.: 2:12-cr-0004-APG-EJY

FINAL ORDER OF GARNISHMENT

Pending before the Court is Plaintiff United States of America's Application for Writ of Garnishment. Judgment Debtor / Defendant Frederick Thomas ("Defendant") timely filed an Affidavit of Exemptions and Request to Transfer Proceedings. Plaintiff United States timely filed a Response to Affidavit of Exemptions and Request to Transfer Proceedings. A hearing took place on May 26, 2022 before Magistrate Judge Elayna Youchah via video conference. Assistant United States Attorney Summer A. Johnson appeared on behalf of the United States. Attorney Maysoun Fletcher appeared on behalf of Defendant Frederick Thomas, who was also present. *See* ECF No. 1738.

1 After reviewing the pleadings on file in this matter and oral arguments of the
2 parties, the Court finds as follows:

3 1. A judgment was entered against the above-named Defendant on December
4 14, 2014 in the amount of \$50,893,366.35. ECF No. 874.

5 2. The United States filed an Application for Writ of Garnishment seeking any
6 nonexempt property belonging to or owed the Defendant by Progressive Insurance
7 Company, its Successors or Assigns ("Garnishee"). ECF No. 1726.

8 3. A Writ of Garnishment was properly served on Garnishee, which filed an
9 Answer stating that it had in its possession, custody or control, personal property belonging
10 to and due the Defendant in the form of wages in the amount of \$2,391.92 each bi-weekly
11 pay period. ECF No. 1730.

12 4. The Judgment Debtor was served with the Writ of Garnishment and notified
13 of their right to claim an exemption or request a hearing.

14 5. The Judgment Debtor timely filed an Affidavit of Exemptions and Request
15 for Transfer of Proceedings. ECF No. 1728.

16 6. The Defendant claimed exemptions for the following:

- 17 a. Wearing apparel and school books;
- 18 b. Fuel, provisions, furniture, and personal effects; and
- 19 c. Judgments in support of Minor Children.

20 7. The Defendant also requested to transfer the proceedings to the district of the
21 Defendant's current residence, the Middle District of Florida. *Id.*

22 8. The United States timely filed a Response to Affidavit of Exemptions and
23 Request to Transfer Proceedings. ECF No. 1737.

24 Having considered the United States' Writ of Garnishment, the Garnishee's Answer,
25 the Defendant's Affidavit of Exemptions and Request for Transfer of Proceedings, the
26 United States' Response to Affidavit of Exemptions and Request to Transfer Proceedings
27 and the oral argument of the parties, the Court GRANTS the United States' Writ of
28 Garnishment and orders as follows:

1 IT IS THEREFORE ORDERED, ADJUDGED and DECREED that:

2 1. The Court denies the Defendant's request to transfer the proceedings to the
3 Middle District of Florida, as stated on the record in Court on May 26, 2022. *See* ECF No.
4 1738.

5 2. The Court finds that the Defendant's claimed exemptions for (1) wearing
6 apparel and school books and (2) fuel, provisions, furniture, and personal effects are
7 exemptions related to tangible personal property, are inapplicable and are denied.

8 3. The Court finds that the Defendant has supported his claim for prior
9 Judgments in support of Minor Children in the amount of \$493.30 per bi-weekly pay period
10 and that the Judgments in support of Minor Children have primacy relative to the United
11 States' Writ of Garnishment as they were entered prior to the Defendant's Judgment herein.

12 IT IS FURTHER THEREFORE ORDERED, ADJUDGED and DECREED that
13 the Garnishee is hereby ordered to pay into the hands of the Clerk, U.S. District Court the
14 amount of \$59.70 per bi-weekly pay period.

15 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the amount of
16 \$119.40 previously held by the Garnishee in accordance with the Writ of Garnishment shall
17 immediately be paid to the United States.

18 IT IS FURTHER ORDERED, ADJUDGED and DECREED that these sums are
19 to be applied to the Judgment rendered in the matter in the sum of \$50,893,366.35, upon
20 which there is an unpaid balance of \$51,728,786.53 due, as of April 12, 2022. These
21 deductions are to continue until the total amount due, plus accruing interest, is fully paid
22 and satisfied.

23 Checks should be made payable to:

24 "Clerk of the Court, U.S. District Court"

25 Mailed to:

26 Clerk of the Court, U.S. District Court
27 333 Las Vegas Boulevard South, Suite 1334
28 Las Vegas, NV 89101

1 And bearing Judgment Debtor's name and case number:

2 Frederick Thomas / 2:12-cr-0004- APG-EJY

3
4 Dated: June 13, 2022


UNITED STATES MAGISTRATE JUDGE